



July 27, 2020

Dear Representative:

On behalf of the Marijuana Policy Project and over half a million of our supporters around the country, we ask you to cosponsor the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2019 (H.R. 3884). This important measure addresses two key challenges we face. First, it would be a major step forward in criminal justice reform at a critical time as we work to address injustices and inequalities in our criminal justice system. Second, it would empower states to implement programs that can encourage economic growth when it is urgently needed.

### **Legalization is criminal justice reform.**

A large majority of voters in the U.S., including majorities in both parties, are no longer willing to bear neither the harm nor the cost inflicted on our country through the criminalization of cannabis. MPP supports an end to cannabis prohibition and the creation of a regulatory system that enables safe and reasonable access to cannabis for adults and medical patients who qualify. Cannabis prohibition is used as a weapon against citizens, with Black Americans paying a particularly high price. More than 600,000 Americans are arrested or cited every year for cannabis possession, and many more are subjected to degrading and traumatic stops and searches with cannabis as the pretext.

The MORE Act was introduced one year ago, and with the recent unrest following the killing of George Floyd, Americans are again examining tough issues related to policing, race, and criminal justice reform. When it comes to the abuses of the war on drugs, and particularly the ways the criminalization of cannabis has impacted Black Americans, the MORE Act would set federal policy on a path toward correcting an unfair system. Serious criminal justice reform cannot begin in our country without ending the war on cannabis.

### **Legalization fosters economic growth and enables better regulation.**

Today we live in a patchwork system. Currently, 33 states have comprehensive medical cannabis laws, 11 of which also allow consumption for adults 21 and over. The District of Columbia also allows both adult-use and medical cannabis. More states are adopting reforms around the country — even in the midst of the global pandemic, voters in South Dakota, Montana, New Jersey, and likely Arizona will vote this November to add adult-use legalization programs of their own. Voters in Mississippi, South Dakota, and likely Nebraska will consider enacting medical cannabis programs.

These measures are likely to succeed. Millions of Americans now live in states that allow adults to purchase and consume cannabis. And, in many states, the cannabis industry now generates billions in sales and hundreds of millions in tax revenue, critical for states facing budget challenges of historic proportions. Importantly, these programs create hundreds of thousands of jobs across the country and provide local economic activity for contractors, suppliers, and professional services — many in rural communities.

Yet, in the midst of this broad acceptance, the federal government maintains its anti-cannabis position. The result is an inconsistent and confusing system in which people can easily run afoul of the law or even be targeted, while states seek to implement regulations without the support of research, testing standards, or health and safety guidance of any kind. States should have the resources to manage the health and safety of their citizens, and the federal government should stop putting up roadblocks in key areas such as research, banking, and product-testing. Not only has the federal government excluded itself from any oversight, its policies frustrate state regulators trying to oversee these voter-approved measures.

As mentioned, the MORE Act directly addresses both these concerns — it removes some of the key policies fueling the war on cannabis by reducing its impact on communities of color, and it empowers states and regulators to provide needed guidance in cannabis programs. The MORE Act accomplishes this through several approaches, a few of which we highlight here.

### **Removing cannabis from the CSA is essential.**

The MORE Act would remove cannabis and cannabis products from the Controlled Substances Act, and we strongly support its removal and related amendments to harmonize the federal code. If far more dangerous substances such as tobacco or alcohol are not included in the CSA, cannabis, the safer substance, should not be either.

Often our greatest challenge developing a regulatory system and gathering important research stems from the fact that cannabis and its constituents are included in the CSA. This is despite the clear recommendation in the 1972 report by the National Commission on Marihuana and Drug Abuse, which recommended removing all criminal penalties from personal use.

Descheduling clears the way for better policy across a wide range of key areas that touch peoples' lives. It clears the way for banking solutions urgently needed as cannabis businesses — many of which were designated “essential businesses” during the pandemic — still operate largely in cash. Removal also enables a more fair tax system for cannabis businesses and allows federal agencies to develop testing standards for potency and pesticides to help states keep consumers safe. Researchers would have greater access to cannabis to study and better understand the plant and its potential, and federal law enforcement agencies would not be required to enforce prohibitionist laws that an overwhelming majority of Americans oppose. Removal from the CSA is a major advancement and a critical step in developing resources that can be made available to the states in their oversight of this growing industry.

While CSA removal is an improvement for these and other reasons, the MORE Act at its heart represents criminal justice reform on a massive scale. Race, cannabis, and the war on drugs are inextricably linked. America's criminalization of cannabis has its roots in racism, and that history follows it today. It is well documented in communities across the country that African Americans are disproportionately impacted by cannabis laws. In most or all places, Black individuals are several times more likely to be stopped, harassed, searched, arrested, and thrown in jail for cannabis than their white counterparts. Removing criminal and non-criminal penalties is essential to a more just society. Moreover, simply reducing the incidents of interaction between individuals and law enforcement will relieve pressure in strained communities.

But as our country turns from vilifying communities to seeking to undo the harms of the past, we must go beyond simply ending penalties and creating regulations. We must consider ways to create opportunity and repair harm in communities that have been most deeply impacted. The MORE Act proposes bold steps to begin to reduce the long-term harm:

### **Expungement**

We strongly support expunging criminal records related to cannabis automatically. A large percentage of voters today support an end to cannabis prohibition, and those voters also support the removal of simple possession charges and related criminal incidents from records. For many who have faced criminal penalties related to cannabis, the long-term harm is not the threat of jail or a fine, but the fact that cannabis offenses can last a lifetime in criminal histories. Simple possession charges or a conviction can end hopes of getting a place to live, an education, or a job. Cannabis arrests, charges, and convictions should be automatically removed from individual criminal histories. As our nation seeks to rebuild its economy, we should not hold back hope because of outdated laws that have been unevenly enforced and that most voters no longer support.

### **Resources for new business**

The tax created in the bill is a solution to an important problem a federal response can help resolve. States often have a strong interest in encouraging minorities to participate in their emerging cannabis systems. But new businesses can face serious financial challenges, particularly in light of the high regulatory hurdles states have in place for cannabis businesses. This drives up costs, putting even more pressure on social equity businesses starting out. The MORE Act would create a fund to help. By imposing a 5% federal tax on sales, this fund could provide access to capital for new businesses when needed — as companies take off. With this crucial capital funding, equity applicants would be less likely to be squeezed out of emerging markets.

### **Research**

While there is often a desire on the part of states to adopt an inclusive program, there is little research currently available that examines racial disparities in the industry. This leaves policy makers and members of the community without the resources to

understand the scope of the challenge, which can inform policy makers to adopt the best solutions.

**Veterans**

Once cannabis is removed from the CSA, veterans' access to medical cannabis would improve. Today, many veterans are prohibited from talking with their doctors about cannabis as an alternative to opiates and other medications. This treats our nation's heroes as second-class citizens. Doctors and their patients in the VA system should be able to talk freely about cannabis and whether it might provide relief when opioids or other harmful drugs are not the best option.

The MORE Act represents an important first step for the federal government to help restore justice to those who have been victimized by the failed war on cannabis. It also creates an important framework that would allow federal resources to support state regulatory programs and stop working against them. As voters and states continue to legalize cannabis around the country, the MORE Act is an opportunity for the federal government to enter the conversation in an impactful and supportive way.

We hope you will cosponsor the MORE Act, and we appreciate your service.

Sincerely,

A handwritten signature in black ink that reads "Steve Hawkins". The signature is written in a cursive style with a large initial "S" and a stylized "H".

Steven Hawkins  
Executive Director  
The Marijuana Policy Project